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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,772	10/20/2000	Kouichi Funaya	P/2635-55	7770
2352	7590	04/09/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			PARSONS, CHARLES E	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,772

Applicant(s)

FUNAYA ET AL.

Examiner

Charles E Parsons

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemaguet.

Claim 1, 10: A video code processing method, comprising:

- (a) providing a first original bit stream including a video code which is a digitized video signal; (See Lemaguet figure 5)
- (b) generating a second original bit stream at a first timing by delaying said first original bit stream by a specific time interval; (See Lemaguet figure 5 item 57)
- (c) generating a converted bit stream at a second timing, said first original bit stream being code converted into said converted bit stream; and (See figure 5 items 51-54)
- (d) switching between said second original bit stream and said converted bit stream to output, and wherein said specific time interval is adjusted such that said first timing is substantially equal to said second timing. (See figure 5 item 58 as well as column 2 lines 40-53)

Claim 2, 11: A video code processing method according to Claim 1, wherein said specific time interval is adjusted such that continuous moving pictures corresponding to said first

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original bit stream can be obtained even when said (d) is performed in a course of said second original bit stream and said converted bit stream. (See column 4 lines 17-32)

Claim 3, 12: A video code processing method according to Claim 1, wherein each of said second original bit stream and said converted bit stream has a plurality of frames, and wherein said (d) includes switching between said second original bit stream and said converted bit stream at a switching point corresponding to a start position or end position of one of said plurality of frames of said second original bit stream and said converted bit stream. (See column 2 lines 14-26 as well as 40-54)

Claim 4, 13: A video code processing method according to Claim 1, wherein said first timing is determined by monitoring said second timing and controlling said specific time interval based on the monitoring result. (See column 4 lines 5-32)

Claim 5, 14: A video code processing method according to Claim 1, wherein said first timing is determined by monitoring said first and second timings and controlling said specific time interval based on the monitoring result. (See Column 2 line 54 through column 3 line 55)

Claim 6, 15: A video code processing method according to Claim 5, wherein said first timing is determined by monitoring said first and second timings and performing feedback control on said specific time interval such that a difference between said first and second timings is reduced based on the monitoring result. (See figure 5 item 56)

Claim 7, 16: A video code processing method according to Claim 1, wherein said (d) includes switching between said second original bit stream and said converted bit stream at a switching point detected in accordance with a bit stream structure of an encoded picture of said first original bit stream. (See figure 5 item 58, as well as column 2 lines 47-58)

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Claim 8, 16: A video code processing method according to Claim 7, wherein said switching point is detected in accordance with a bit stream structure of an encoded picture of said first original bit stream such that continuous moving pictures corresponding to said first original bit stream can be obtained without a disturbance in said continuous moving pictures. (See column 1 lines 50-63)

Claim 18, 19: A video code processing apparatus according to Claim 10/13, wherein said buffer section and said transcoding section and said switching section are included in a single unit. (See Figure 1 item 11, figure 5 is what's inside item 11. Never the less to make integral is not patentable.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 17 rejected under 35 U.S.C. 103(a) as being unpatentable over *Lemaquet*

Claim 9, 17. A video code processing method according to Claim 1, further comprising: (f) inputting a switch command at a third timing, and wherein each of said second original bit stream and said converted bit stream corresponds to MPEG (Moving Picture Experts Group) 2 type and has a plurality of GOPs (Group of Picture), each of said plurality of GOPs including an Intra-Picture (I Picture), a Predictive-Picture (P picture) and a Bi-directionally predictive-Picture (B picture), and wherein said (d) includes switching between said second original bit stream and said converted bit stream at a switching

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point corresponding to a lead position of one of said plurality of GOPs which is on said third timing or the closest to said third timing after said third timing. (See column 1 lines 10-11 as well as column 2 line 45-55, while Lemaguet does not specifically teach that his switching is done at the start of a GOP, he does teach that he switches at critical times. At the time the invention was made, it was well known in the art that in order to maintain a consistent image stream, the switching between bitrates should be done at the beginning of a GOP since each P and B frame depends from the corresponding I frame in that particular GOP, to switch after the start code or lead position would effectively break up the GOP. Therefore it would have been obvious to one of ordinary skill in the art, to switch bitstreams at the lead point of a GOP, motivated by the above reasons in addition to the teaching of Lemaguet that the switching should be done at a critical point and the fact that he sets his timing at the start code, see column 2 line 54.)

Claim 20: A video code processing apparatus according to Claim 17, wherein said buffer section and said transcoding section and said switching section are included in a single unit. (See Figure 1 item 11, figure 5 is what's inside item 11. Never the less to make integral is not patentable.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CEP


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